

REMARKS

By the above actions, claim 8 has been amended and new claim 17 added. The amendment to claim 8 is based on the disclosure on page 6, lines 23 to 25 of the description as originally filed and is also represented schematically in Fig. 1. New claim 17 recites the relationship of the supply and discharge channels shown in Figs. 1-5. On the basis of the above actions and the following remarks, further consideration of this application is requested.

With regard to the amendment to claim 8, by the channels being laterally offset with respect to each other, the oxidizer channels do not lie directly opposite the combustion gas channels with respect to the plane of the separator plate so that the separator plate may be shaped by profiling (see page 4, lines 21 to 24 of the description as originally filed). With such an offset arrangement of the channels, the separator plate can be easily formed of a thin material and a large cross section for heat exchange can be provided between the channels. To enable the Examiner to more clearly visualize such a profiled separator plate, attached is a schematic representation of an example of such.

Claims 8-16 were rejected under 35 USC § 103 as being unpatentable over Yuichi et al. (JP 07-296831) when view in combination with the Beckmann et al. patent application publication. In particular, the Examiner contends that, according to Yuichi et al., an oxidizer guide is formed which runs in the direction of the lengthwise channels (see page 3, lines 5 and 6 of the Office Action issued December 23, 2010). However, this assessment is in error since, as can be seen clearly in Fig. 3 of Yuichi et al., the channels for fuel gas 11 a, 11 b and the channels for the oxidizers on plate 12 are perpendicular to each other. Thus, they do not run into the same direction. In this context, it is meaningless to speak of laterally offset channels as now claimed with respect to Yuichi et al. who do not show this feature.

Also, Figure 3 of Yuichi et al., shows that rotating the plate 12 with the oxidizer guides to run into the same direction as the fuel gas channels would not be valid solution, as then no oxidizer could be provided by an external manifold. It can be clearly seen, that the inlets and outlets B1, B2 for fuel would interfere with oxidizer supply to the channels. Thus, a person skilled in the art could not combine the teachings of Yuichi et al. with Beckmann et al., so as to have the channels for combustion gas and the channels for oxidizer arranged in

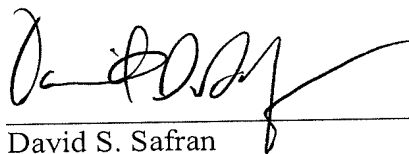
parallel and still maintain an external supply of oxidizer since the oxidizer guide is formed of channels which reopen to sides of the fuel cell stack. The subject matter of amended claim 8 is therefore not rendered obvious by a combination of Yuichi et al. and Beckmann et al. references, and new claim 17 even further distinguishes the present invention. Accordingly, withdrawal of this rejection is requested.

As for Maru (U.S. Patent 4,444,851) which is only nominally mentioned, but not applied, in the Office Action, this patent also does not show any offset channels as claimed (see, for example, Fig. 2). Thus, no detailed discussion of this reference is warranted at this time.

Therefore, none of the prior art documents shows an external supply of oxidizer to oxidizer channels which run parallel to lengthwise channels for combustion gas, but are offset from such channels.

While this application should now be in condition for allowance, in the event that any issues should remain, or any new issues arise, which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone to resolve any such issue and thereby facilitate prompt approval of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. S. Safran', written over a horizontal line.

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